S.B.Cr.Misc. Bail App. No. 1403/2007
(Jakir Vs. State of Rajasthan)

Date of order : 07/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Vikas Bijarnia for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that father and mother of the deceased PW-5 and PW-6 Ranveer Singh and Ramadevi have been examined by the trial court and did not support the prosecution case and as such turned hostile. So far as the suicide note of the deceased is concerned, it was sent to Forensic Science Laboratory for opinion of the handwriting expert and report of the handwriting expert has been received dated 15.1.2007 showing dis-similarities in the disputed handwriting and admitted handwriting. There is no other evidence connecting the petitioner with the commission of the crime. These facts have not been disputed by learned public prosecutor.

Looking to the facts and circumstances of the case and the fact that principal prosecution witnesses did not support the prosecution case as also suicide note was not found to be written by the deceased in view of the report of the handwriting expert, without commenting

on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Jakir S/o Sattar be released on bail in FIR No. 221/2006 P.S. Tara Nagar, district Churu provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP